

REMARKS

This amendment is responsive to the final Office Action dated June 11, 2009. After its entry, claims 1-4 and 9-14 are currently pending in this application and subject to examination. Claim 1 is amended. Support for this amendment is found at page 4, lines 11-14, and page 7, lines 3-14, of the present specification. Dependent claim 9 is amended to delete Examples 19 and 20 in order to render it consistent with the amendment to claim 1. No new matter is added.

Reconsideration of the application as amended is respectfully requested in view of the following remarks.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-4 and 10-14 stand rejected as anticipated by U.S. Patent App. Pub. No. 2003/0008174 A1 to Suzuki et al. (Suzuki). Applicants respectfully traverse in view of the claims as amended.

In paragraph 9 of the June 11, 2009 Office Action, the Examiner responds to the argument presented by Applicants in the January 29, 2009 amendment by pointing out that a bond between Ar and R² is not excluded from the present claims and is embraced by examples 19 and 20 of claim 9. In response, Applicants have amended claim 1 to exclude Ar and R² from forming a mono- or polycyclic ring system with one another.¹ A direct bond between Ar and R² would result in the formation of a ring system. However, since such ring systems are now

¹ Substituents R¹ and R² for Formula (1) on page 4 of the present specification *may* (i.e., optionally) form a mono- or polycyclic ring system with one another. Page 4, lines 11-14, of the present specification. Formulae (2) and (3) are preferred compounds of Formula (1). Page 7, lines 3-6, of the present specification. Substituent Ar of Formulae (2) and (3) corresponds to R¹ of Formula (1), while substituent R² of Formulae (2) and (3) corresponds to R² of Formula (1). As such, Applicants submit that there is more than sufficient written description support for the amendment to claim 1 excluding Ar and R² from forming mono- or polycyclic ring systems with one another.

excluded by virtue of the amendment to claim 1, this amendment also necessarily excludes the existence of a direct bond between Ar and R².

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The compound of formula (III) of Suzuki requires that the three benzene rings substituted by R₁ through R₁₂ therein be bonded to the central benzene ring, resulting in three five-membered rings fused to the central benzene ring. In contrast, amended claim 1 excludes Ar and R² from forming a mono- or polycyclic ring system with one another. As such, Suzuki cannot disclose a compound having a structure of Formulae (2) or (3) and, thus, cannot anticipate claim 1. Furthermore, since claims 2-4 and 9-14 all ultimately depend from amended claim 1, these dependent claims also cannot be anticipated by Suzuki. Applicants respectfully request withdrawal of this rejection.

In view of the foregoing amendment and remarks, Applicants submit that the pending application is in condition for allowance.

U.S. Patent Application Serial No.: 10/589,847
Amendment dated October 13, 2009
Reply to Final Office Action dated June 11, 2009

Docket No.: 14113-00051-US

Submitted concurrently herewith is a Petition for a One -Month Extension of Time pursuant to 37 C.F.R. § 1.136, as well as payment in the amount of \$130.00 to cover the fee required by 37 C.F.R. §1.17(a)(1) for this extension of time. Should any other fees be required in connection with this amendment, the Director is hereby authorized to charge any fees due or outstanding, including any extension fees, or credit any overpayment, to Deposit Account No. 03-2775, under Order No. 14113-00051-US, from which the undersigned is authorized to draw.

Dated: October 13, 2009

Respectfully submitted,

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